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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,491

08/17/2005

Wittich Kaule

2732-149

5564

6449

7590

09/28/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K STREET, N.W.

SUITE 800

WASHINGTON, DC 20005

EXAMINER

LAVARIAS, ARNEL C

ART UNIT

PAPER NUMBER

2872

NOTIFICATION DATE

DELIVERY MODE

09/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No.	Applicant(s)	
	10/517,491	KAULE, WITTICH	
	Examiner	Art Unit	
	Arnel C. Lavarias	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-29 and 32-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments to Claims 1-21, 23, 32 in the submission filed 9/3/09 are acknowledged and accepted.
2. The cancellation of Claims 30-31 in the submission filed 9/3/09 is acknowledged and accepted.

Election/Restrictions

3. In view of the amendments made to the claims above, the previous restriction requirement dated 8/3/09 is hereby vacated, and a new restriction requirement is set forth below.
4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group IA, Claim(s) 3, 32, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of the disposition of the grating lines and the intersection of the grating lines with the contour line.

Group IB, Claim(s) 4, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of a data processing system for filling the contour line with the grating pattern.

Group IC, Claim(s) 5, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of grating lines being either straight or curved.

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Group ID, Claim(s) 6-8, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of the sorting of the grating lines.

Group IE, Claim(s) 9-11, 13-14, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of the writing apparatus and use of radiation.

Group IF, Claim(s) 12, drawn to a method and apparatus for producing a grating image, as set forth in Claim 1, including specifics of the writing apparatus and use of an electron beam.

Group IIA, Claim(s) 16, 33, drawn to a grating image, as set forth in Claim 15, including specifics of a lithography instrument and use of focused light radiation or focused particle beam.

Group IIB, Claim(s) 17-18, drawn to a grating image, as set forth in Claim 15, including specifics of the grating image having several image fields or parts.

Group IIC, Claim(s) 19-21, drawn to a grating image, as set forth in Claim 15, including specifics of the grating lines forming the grating pattern.

Group IID, Claim(s) 22-28, 34-36, drawn to a grating image, as set forth in Claim 15, including specifics of a security element, security paper, security document.

Group IIE, Claim(s) 29, 37, drawn to a grating image, as set forth in Claim 15, including specifics of a transfer material.

Claim 1 links Groups IA, IB, IC, ID, IE, and IF. Claim 15 links Groups IIA, IIB, IIC, IID, and IIE. The features of Claims 1, 2, and 15, which are shown either singly or in combination in U.S. Patent No. 5101297, U.S. Patent No. 5032003, U.S. Patent No. 5335113, and JP 09-230122 A, lack novelty or an inventive step and do not contribute over the prior art.

Additionally, Claim 2 will be examined with the elected invention only if one of Inventions IA or ID is elected.

5. The inventions listed as Groups IA, IB, IC, ID, IE, IF, IIA, IIB, IIC, IID, and IIE do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

For each of Groups IA, IB, IC, ID, IE, IF, IIA, IIB, IIC, IID, and IIE, each of the listed groups has special technical features not required for the other groups. The special technical features exclusive to each group are listed above in the listing of the groups.

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6. A telephone call was made to Brian A. Tollefson (202-783-6040) on 9/17/09 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
9/17/09

/Arnel C. Lavarias/
Primary Examiner, Art Unit 2872